IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 22355 of 1995

Between:

M/S SCIENTIFIC ENGINEERING HOUSE PVT. LTD. C-7, C-8 & C-33 REP. MANAGING DIRECTOR VINOD BHARGAVA S/O HARIHARANATH HYDERABAD

..... PETITIONER

AND

1 SECRETARY TO THE GOVT. DEPT OF URBAN LAND CEILINGS & REGULATIONS SECRETARIAT BUILDINGS, HYDERABAD
2 DIRECTOR OF INDUSTRIES & COMMERCE DEPT OF INDUSTRIES & COMMERCE HYDERABAD
3 COMMISSIONER OF URBAN LAND CEILINGS DEPT OF URBAN LAND CEILINGS , HYDERABAD
4 SPECIAL OFFICER AND COMPETANT AUTHORITY URBAN LAND CEILINGS GOVT. OF AP HYDERABAD
5 SPECIAL TASHILDHAR - 1 URBAN LAND CEILINGS HYDERABAD

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus declaring that all the proceedings of the 4, 5 respondents including the proceedings in CC No. E1/353/76 dt. 28/4/82 and CC No. E1/7353/76 dt. 21/5/90 and all subsequential thereof or connected therewith are null and void in operative and unsustainable. II) to declare that the entire land holdings of admeasuring 5225-2 sq. Mts. of the petitioners company is fully exempted under Sec-20(1) (a) of Urban Land (ceiling and regulations) Act, 1976 by virtue of the GO

Ms no. 312 Revenue (UC.111) Department, Dt.28/3/77 issued by the 1st respondent.

Iii) to declare that there is no surplus land in the possession of the petitioner company for acquiring under then Urban Land Ceiling Act in view of the GO Ms No. 312 Revenue (UC 111) Department, dt. 28/3/77 and award costs.

Counsel for the Petitioner: MR.B.PRAYAGA MURTHY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

THE HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION NO.22355 OF 1995

ORDER:

The petitioner filed this writ petition seeking to declare that all the proceedings including the proceedings in CC No.1/7353/76 dt.28.04.1988 and dt.21.5.1990 and all subsequent proceedings consequentially thereof are null and void and further to declare the entire land holding of measuring 5225-2 Sq. meters of the petitioner company is fully exempted under Section 20(1)(a) of Urban Land (Ceiling and Regulations) Act, 1976 by virtue of the G.O.Ms.No.312 Rev. (UC.111) Dept. dt.28.3.77 issued by the first respondent and thirdly to declare that there is no surplus land in the possession of the petitioner company for acquiring under the Urban Land Ceiling Act.

The brief facts of the case are as follows:

The petitioner is an industry holding the land measuring about 5,255.20 sq. meters exempted from the provisions of Chapter 111 of Urban Land (Ceiling and Regulation) Act, 1976 under G.O.Ms.No.312 Revenue (UC 111) dated 28.03.1977 issued by the 1st respondent. Whileso, the 4th respondent issued a notice dt.24.4.82 observing an extent of 288.03 sq. meters of land as in excess of ceiling limits and asked the petitioner to surrender so as to acquire the same. For which the petitioner has submitted its explanation and no further proceedings took place thereafter. But when the 5th respondent threatening the petitioner to acquire the land of 1207 sq. meters belonging to the petitioner and on enquiries the petitioner company came to know that the 4th respondent in his further proceedings dt.21.05.90 observed that the petitioner company has got 1207.84 sq. meters of surplus land contrary to his proceedings dt.28.4.1988 wherein he observed that the petitioner company has got 282.03 sq. yards of excess land. In view of the proceedings of the 1st respondent in G.O.Ms.No.312 Rev. (UC.111) Department, dated 28.3.1977, the proceedings of the respondent Nos.4 and 5 are invalid. As per Section 20 of the Urban Land (Ceiling and Regulations) Act, 1976 the State Government is empowered to exempt the vacant land holding in excess of the ceiling limit in certain circumstances as specified therein and accordingly the 1st respondent after considering the matter has granted the exemption in favour of the petitioner company and hence the proceedings of the respondent Nos.4 and 5 are not valid and are liable to be declared as null and void and inoperative.

Learned counsel for the petitioner submitted that the petitioner company is in possession of the land and the learned Government Pleader opposes the above

contention stating that the claim made by the petitioner is not a genuine. However, in view of the submissions made by the learned Counsel for the petitioner that the petitioner company is in possession of the alleged excess land even now, without going into merits of this case, it would suffice if a direction is given that if the petitioner company is still in possession of the land not to dispossess it without following due process of law.

Subject to the above observation, the writ petition is disposed of. No costs.

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18-11-2004

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To

1 The Secretary, Dept. of Urban Land Ceilings &
Regulations, Govt. of A.P., Secretariat Buildings,

Hyderabad.
2 The Director of Industries & Commerce Dept. of Industries & Commerce, Hyderabad.
3 The Commissioner of Urban Land Ceilings Dept. of Urban Land Ceilings , Hyderabad.
4 The Special Officer and Competant Authority, Urban Land Ceilings, Govt. of A.P., Hyderabad.
5 The Special Tashildhar - 1 Urban Land Ceilings Hyderabad.

6. Two C.Cs. to the Government Pleader for Land Acqisition, High Court Buildings, Hyderabad. (O.U.T)

7. Two C.D. copies.